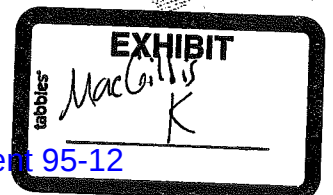
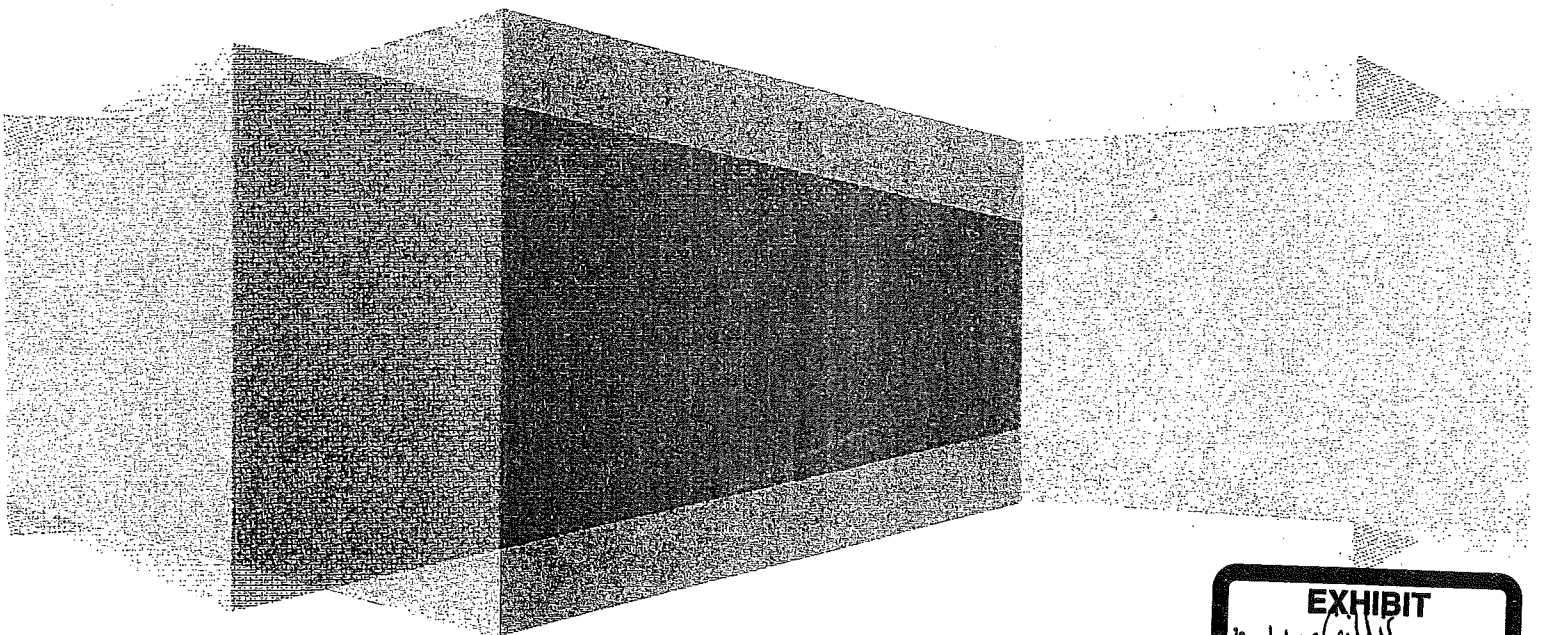


**Milwaukee Police Department**

# **James F. Perry**

**Critical Incident Review, Incident #10-256-0219**



## INFORMATION REQUESTED BY BRYAN POLCYN

These are some of the details that stand out in the videos I've seen:

### POLICE DEPARTMENT:

6:51pm - Upon return from Sinai Medical Center to the MPD's Prisoner Processing Section, James Perry is seen being held down on the floor by several officers. There is no overt sign that Perry is fighting, but one officer is heard saying that he's "pushing" against them. Perry is groaning and grunting loudly. One of the officers declares, "He's faking it."

6:53pm - One of the officers states, "You pooped your pants? Woah," indicating that officers were aware the inmate may have been having issues controlling his bowels.

7:02pm - Officers place a spit mask over Perry's head, though it is not clear why, from watching the video. According to one supplemental police report, Perry was drooling and spitting into his own lap.

7:04pm - Perry says "Help me."

7:05pm - Perry can be heard saying, "I can't breathe with this thing on my face."

- o An officer responds, "Yes you can."

- o Perry says "No I can't."

- An officer responds, "If you're talkin', you're breathin'."

- 

7:05pm (still) - Perry is carried to a holding cell while his paperwork is located and/or completed. According to other

inmates, one of the officers drops Perry and his head hits the floor. An officer interviewed after the inmate died states that he "does not remember" if Perry was dropped or hit his head. Police reports later indicate that there is blood on the floor of the cell, and a nurse at the county jail notes that blood is seeping from his spit mask.

8:23pm - Perry is carried out of PPS and transported to the Milwaukee County Jail.

SHERIFF'S DEPARTMENT / MILWAUKEE COUNTY JAIL:

8:42pm – MPD officers bring Perry into the holding area of the jail. He appears unable to walk without assistance. His pants fall to his ankles. His underwear is badly soiled.

8:43pm – Three MPD officers sit Perry down on a concrete bench, one walks away immediately. Two others stay near Perry.

8:44pm - Perry is sitting on a concrete bench, rocking back and forward. The spit mask is still over his head.

8:45pm – A jail nurse in pink scrubs approaches, as do two MCSO deputies/correctional officers. Two MPD officers stand viewing this from a few feet away.

8:45pm – The MCSO officers are now holding Perry's arms. MPD officers continue to look on or stand nearby.

8:47pm – The two MPD officers walk away to the far end of the room, as Perry scoots himself off of the bench and begins rolling on the floor. A single MCSO officer remains with him.

8:47pm – The jail nurse in pink approaches again, but stands a few feet from Perry. There is no audio, but reports indicate the nurse was observing Perry and asking him questions. She never touches him. The nurse leaves to request ambulance and begin filling out paperwork refusing to accept the inmate.

8:49pm - The last MCSO officer standing near Perry walks away, leaving him unattended and squirming on the floor.

8:51pm - 2 minutes after Perry was left alone on the floor, and 9 minutes after arriving at the county jail's holding facility, Perry appears to stop moving entirely. Seconds later, an MPD officer approaches Perry and tries to sit him up.

8:51pm and 33 seconds – The video freezes. The spit mask is still on.

8:52pm and 01 second – The video resumes. The mask has been removed.

8:53pm - At least 10 people (MPD officers, MCSO deputies, and nurses) are surrounding Perry, beginning the first attempts at first aid since his arrival.

9:21pm – According to the MCME death investigation report, this is the time code is called, marking Perry's official time of death.



# Critical Incident Review

Incident #10-256-0219

Perry, James F.

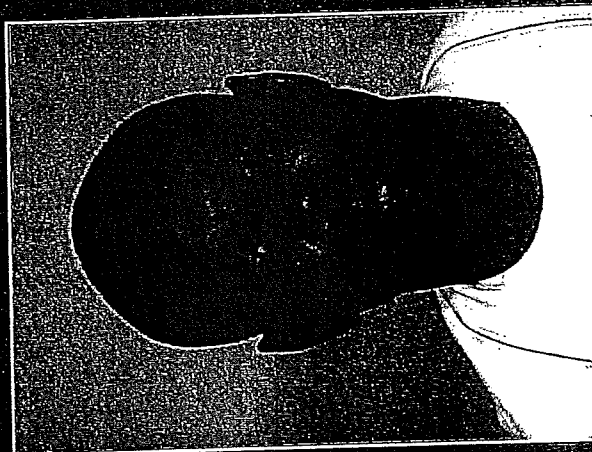
# Subject

- Perry, James F.

B/M

Dob: 4/18/1969 (41yoa)

2914 North 1st Street





# Arrest of Subject for Armed Robbery

- © On 9/13/10 at 1:55am - Armed robbery occurs at 2144 N. 5<sup>th</sup> Street. Taken in the armed robbery is a Buick Rivera
- © P.O. Sean Mahnke and P.O. Mark Dillman observes the vehicle and conducts a traffic stop in the 400 blk of W. Meinecke Avenue
- © Perry is the driver and arrested without incident at approximately 2:18am for armed robbery
- © 5:36am Perry is booked into PPS

# In Custody Interview

---

- ◎ 10:14am Detective Todd Fischer escorts Perry from the male holding cell to CIB on the 4<sup>th</sup> Floor to be interviewed
- ◎ 11:19am Detective Todd Fischer escorts Perry back to PPS to the male holding cell
- ◎ Detective Fischer reports that Perry is cooperative, confesses to his involvement, and does not display any symptoms of distress



# Report of Seizure at PPS

- Perry is in the male holding cell and is reported to have suffered a seizure, falling to the ground and striking his head
- MFD is called and MFD personnel assess Perry at PPS
- 3:21pm Perry is conveyed by Bell Ambulance #456 to Mt. Sinai Hospital
- Squad 1241 - Officer Corey Kroes rides with Perry in ambulance and his partner, Officer Jacks, follows in wagon
- 3:55pm Perry is admitted to Mt. Sinai Hospital and is treated by Dr. Paul Coogan
- Perry suffers additional seizures while at the hospital and is treated for those seizures
- Perry is medically cleared by hospital personnel and that information is conveyed to Officers Kroes and Jacks

# Return from Medical Clearance/Conveyance back to PPS

- © Officers contact shift commander at PPS with concern about taking Perry back into their custody
- © Officer Jacks speaks to a nurse and states they "felt something was wrong." The nurse said "Perry was faking." Both Officers tell the nurse that "they did not feel Perry should be released." The nurse agrees to get the doctor's opinion. The nurse returns and says the doctor gave him medication that is going to make him sleep. The doctor releases him to our custody.
- © Perry is placed in a wheel chair and is taken to a squad car
- © Officers seat belt him in the back of the squad and convey him back to PPS.
- © Additional officers meet conveying officers at the PAB garage, Squad 1221- Officer Friolan Santiago and Officer Rick Bungert. All four officers carry Perry to the elevator.



# Conveyance to CJF

- ③ Perry is not standing or walking on his own and is carried to the 5<sup>th</sup> floor booking area, where he is placed in a sitting position on the floor for his own safety
- ③ Perry begins spitting and a spit mask is applied
- ③ Perry is placed in cell A3 and is monitored by Police Officer Margarita Diaz-Berg every 15 minutes while paperwork is processed
- ③ Handcuffs and ankle shackles are removed - spit mask is left on
- ③ 8:06pm - Call to Communications for conveyance for Perry from PPS to CJF. Lt. Robbins relates that he made attempts to get the paperwork regarding the arrest of Perry expedited. As soon as the paperwork is completed, he calls communications and requests a prisoner conveyance from PPS to CJF
- ③ 8:34pm Perry is conveyed from PPS to CJF
- ③ Squad 1290 - Officer Richard Lopez and Officer Frank Salinsky are the conveying squad



# Arrival at CJF

- ⑥ Upon their arrival at CJF, Perry is placed in the booking area and is monitored by MPD officers and MSCO deputies while the booking process begins.
- ⑥ Shortly thereafter, he slides from a seated position to the floor
- ⑥ MSCO nurses begin to monitor Perry
- ⑥ Perry becomes motionless and stops breathing
- ⑥ The nurse states that Perry does not have a pulse and nurses begin CPR
- ⑥ 8:50pm MFD – Med 6 is dispatched to CJF
- ⑥ 8:53pm MFD arrives on scene
- ⑥ 9:21pm Perry is pronounced deceased
- ⑥ 11:48pm Perry is transported by Hartson Transport to the Medical Examiner's Office

# Time Line of Events on 9/13/2010

(Based on Incident Report)

02:18am – Arrest of Perry

05:36am – Booked into PPS

10:14am – Escorted from PPS to CIB 4<sup>th</sup> floor for interview

11:19am – Escorted from CIB 4<sup>th</sup> floor to PPS

Approximately 3:15pm – Suffers seizure in bullpen

3:21pm – Conveyed by Bell Ambulance to Mt. Sinai Hospital

3:55pm – Admitted to Mt. Sinai Hospital

3:55pm – 6:45pm Perry is treated by Dr. Coogan

6:45pm – Medically cleared by Dr. Jahnke and released back into police custody

6:55pm – Returned to PPS (spit mask placed is applied)

8:06pm – Request made for conveyance from PPS to CJF

8:34pm – Conveyed from PPS to CJF

8:50pm – MFD – Med 6 dispatched to CJF

8:53pm – MFD Med 6 arrives

9:21pm – Perry pronounced deceased by Med Base 2222, Dr. Kathryn Sullivan-Dillie



# Medical Examiners Autopsy

- Ⓞ Performed by: Christopher K. Poulos, MD
- Ⓞ Cause of Death: Coronary Artery Thrombosis
- Ⓞ Due To: Atherosclerotic Cardiovascular Disease
- Ⓞ Manner of Death: Natural



# Standard Operating Procedures

## © 090 – Prisoners

### - 090.10 Physical Restraint of Prisoners

#### E. Expectorant Shield

An expectorant shield shall be used for persons spitting at officers. When it is used, officers shall request that a supervisor respond to the scene. The responding supervisor shall ensure that the use of the expectorant shield was appropriate. The expectorant shield is not reusable and shall be disposed of properly